

**BYLAWS**

**AND**

**RULES OF PROCEDURE**

**OF THE**

**RALEIGH HISTORIC DEVELOPMENT COMMISSION, INCORPORATED**



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**BYLAWS AND RULES OF PROCEDURE OF THE  
RALEIGH HISTORIC DEVELOPMENT COMMISSION, INCORPORATED**

ARTICLE I — NAME

The name of this organization shall be the Raleigh Historic Development Commission, Incorporated.

ARTICLE II — OBJECT AND MISSION

The object of the Raleigh Historic Development Commission, Incorporated, hereafter termed "Commission," shall be as described in the Raleigh City Code, Section 10-1051.

The Commission shall serve as the Raleigh City Council's official historic preservation advisory body to identify, preserve, protect, and promote Raleigh's historic resources.

ARTICLE III — PURPOSE OF BYLAWS

The purpose of these bylaws shall be to establish procedures for organizing the business of the Commission and for processing applications for Certificates of Appropriateness.

ARTICLE IV — POWERS

The powers of the Commission shall be as set forth in the Raleigh City Code, Sections 10-1052 through 1055 and in Section 10-2052, and in Sections 10-6181 through 6186.

ARTICLE V — GENERAL RULES

The Commission shall be governed by the terms of the Raleigh City Code, Sections 10-1051 through 10-1054, 10-2052, and by the terms of Part 3C, Article 19, Chapter 160A of the General Statutes as they may be amended or revised. For procedures not covered by these rules, the Commission shall follow rules contained in the current edition of *Roberts' Rules of Order*.

ARTICLE VI — JURISDICTION

The Commission's jurisdiction shall be applied within the zoning jurisdiction as delineated on the City's official zoning map, except as modified by agreement between the City and County of Wake.

ARTICLE VII — ORGANIZATION OF THE COMMISSION

Section 1. Membership.

The Commission shall consist of twelve (12) members appointed by the City Council. All of the members shall reside within the City's corporate limits or within the extraterritorial jurisdiction of the City for planning and regulation of development. The majority of the members shall have demonstrated special interest, experience or education in history, architecture, historic preservation, archaeology, or related fields. At least one-fourth of the Commission's membership shall either reside or own property in a Raleigh historic overlay district or that is designated as a Raleigh Historic Landmark.

The length of term of the members shall be two years. All members shall be eligible for reappointment at the discretion of the City Council. Approximately half of the membership of the

Commission shall be appointed or reappointed each year. In the event of a vacancy, the City Council shall be asked by the Commission to fill the unexpired term within sixty (60) days.

The members of the Commission shall serve without compensation.

Section 2. Actions of the Commission.

The Commission, meeting as a whole, shall exercise the powers enumerated in Article III, except when it explicitly authorizes an officer or committee to act for it in a specific instance.

The Commission, meeting as a whole, shall elect its officers and adopt the annual operating and supplementary budgets of the Commission contingent upon actions by the City Council on appropriations requested by the Commission.

The Commission, meeting as a whole, shall authorize all financial contracts and obligations by the Commission in excess of \$500.00, except when it explicitly authorizes an officer or committee to act for it in a specific instance. Expenditures of \$500.00 or less may be authorized by the Chair.

The Commission shall report its actions at least annually to the Council.

ARTICLE VIII — MEMBERS, OFFICERS, STAFF AND DUTIES

Section 1. Personnel and Terms.

The officers elected by the Commission shall consist of a Chair, a Vice-Chair and a Secretary/treasurer whose initial terms shall be for one year. They shall be eligible for additional terms of one year. The term of these officers shall begin on July 1. The Secretary/treasurer shall be assisted in the duties of the office by the City of Raleigh Department of City Planning staff as noted in Section 5 of this article.

Section 2. Chair.

The Chair shall be the chief executive officer of the Commission; the Chair shall preside over the regular and special meetings of the Commission; the Chair shall appoint committees and designate their chairs and shall be an ex-officio member of all committees. The Chair or an officer or committee chair authorized by the Commission shall sign all financial obligations authorized by the Commission pursuant to Article VIII, Section 2, Paragraph 3.

Section 3. Vice-Chair.

The Vice-Chair shall assist the Chair and shall serve as acting Chair in the absence of the Chair, and at such times shall have the same powers and duties as the Chair. The Vice-Chair shall become Chair upon the vacancy of the Chair.

Section 4. Secretary/treasurer.

The Secretary/treasurer shall execute all official documents as required by the office.

Section 5. Staff.

The City of Raleigh Department of City Planning shall provide such technical, administrative, and clerical assistance as required by the Commission, as provided by Section 10-1052(c) of the Raleigh City Code. Such assistance shall include, but is not limited to: organizing and coordinating the historic preservation activities of the Commission; preparing problem analyses and reports; liaison with the Department of City Planning and other city departments; surveying historic resources; preparing and distributing public service information; consulting with local, state, and federal government agencies and

private organizations; collecting, preparing, and distributing information on historic preservation technology and techniques; monitoring historic districts and landmarks; assisting owners in filing applications for certificates of appropriateness, and analyzing complete applications utilizing adopted guidelines and standards; scheduling of Commission and committee meetings; preparation of meeting minutes; handling correspondence and telephone inquiries; maintaining files and records of Commission; maintaining financial records; preparing checks for authorized signatories for the payment of Commission bills.

#### Section 6. Election of Officers.

The nomination of the Chair, Vice-Chair, and Secretary/treasurer shall occur during the first regular April meeting of the Commission. The members shall be notified in writing of the election of officers at least thirty days prior to the first regular April meeting. A slate of officers prepared by the nominations committee shall be presented. There may be additional nominations from the floor. Election shall be by a majority of those present and voting at the first regular May meeting of the Commission, provided there is a quorum. The term of these officers shall begin on July 1. In the event of a vacancy of the Vice-Chair or Secretary/treasurer, the vacancy shall be filled by a nomination and election at the next regular meeting following the meeting at which the vacancy has been announced. Vacancy of the Chair during a term is filled by the Vice-Chair.

#### Section 7. Attendance at Meetings.

Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. Should a member fail to attend one-quarter of the total combined regular and committee meetings of the Commission to which a member has been assigned within a given fiscal year, the Chair, with the concurrence of a majority of the entire Commission, may recommend to the City Council that a vacancy be declared and that the vacated position be filled within sixty (60) days. In the event that a Commission member must be absent from a meeting, the member shall contact the Commission office before the meeting to advise the Commission of the absence.

#### Section 8. Conflicts of Interest.

No Commission member shall in an official capacity as a Commission member take part in any hearing, consideration, determination or vote concerning any matter of business or property before the Commission or a Commission committee in which the Commission member, a close relative (spouse, sibling, child or parent), or a business associate:

- a. is the applicant before the Commission; or
- b. owns property within 100 feet of the matter of business or subject property before the Commission; or
- c. is a party to or has a financial interest in the matter of business or subject property before the Commission.

Any Commission member who has such an interest in any official act or action before the Commission or committee shall publicly disclose on the record of the Commission such interest, and shall withdraw from any official consideration of the matter if excused by the body.

Any Commission member who has a professional relationship, with regard to past employers or as a director or policy-maker for any organization, association, or non-profit corporation that has a matter of business or property before the commission, shall publicly disclose on the record of the Commission as early as possible the Commission member's relationship with the past employer or organization, and may elect to withdraw from any official consideration of the matter if excused by the body.

Nothing in this section shall prevent the Commission from voting to excuse or prevent a Commission member from taking part in an official capacity as a Commission member in any hearing, consideration, determination or vote where the Commission believes that there is an appearance of conflict of interest.

These conflict of interest provisions shall not be construed to prevent Commission members from addressing the Commission on such matters once they have been properly excused from taking part in an official capacity as a Commission member in any business before the Commission.

Section 9. Knowledge of Duties.

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to the Commission as time and circumstances permit. Members shall familiarize themselves with agenda items prior to the Commission's deliberations on such items.

ARTICLE IX — EXECUTIVE COMMITTEE

Section 1. Personnel.

The Executive Committee shall consist of the Chair, Vice-Chair, Secretary/treasurer, and the Chair of each of the standing committees except nominations.

Section 2. Duties.

The Executive Committee shall coordinate the work of the standing committees and shall make recommendations to the Commission concerning operating and supplementary budgets, proposed major financial commitments and the agenda for the monthly meeting.

The Executive Committee shall advise the Chair on the work program, goals, and priorities of the City personnel assigned to the Commission, so that the Chair can consult with the City Administration on these responsibilities to insure that the day to day operation will be consistent with the work program.

ARTICLE X — STANDING COMMITTEES

Section 1. Research Committee.

This Committee shall be responsible for guiding policy recommendations and performance or recommending engagement of others for the research necessary to identify and describe certain areas, structures, buildings, and objects of historical, prehistorical, architectural, archaeological, and/or cultural significance and to prepare recommendations to the Commission for those that are appropriate for designation as a Raleigh Historic Landmarks, as Historic Overlay Districts or to be nominated for inclusion in the National Register of Historic Places by the Commission as the designee of a Certified Local Government with a comprehensive program.

Section 2. Community Awareness Committee.

This committee shall be responsible for guiding policy recommendations and performance or recommending engagement of others for the development and distribution of promotional materials, including books, pamphlets, brochures, and audio-visual media materials, as part of an educational program on Raleigh's Historic Landmarks, Historic Overlay Districts, and historic preservation in general. It shall also undertake other educational activities that will be beneficial to the Commission's historic preservation mission, including but not limited to heritage tourism, receptions, workshops, periodic distribution of information concerning preservation legislation and policy to the owners and/or tenants of the landmarks and districts. Furthermore, this committee shall be responsible for guiding policy recommendations for the programs and interests of the Commission with regard to federal, state, and local governmental units, for advising the Commission regarding appropriate actions with respect to such units, and reviewing existing and proposed legislation for and affecting historic resources.



Section 3. Nominations Committee.

This committee shall be responsible for preparing annually a slate of officers for consideration of the Commission. In the event of a vacancy in any office, it shall present a nomination as provided in Article VIII, Section 6. It shall also identify and solicit qualified candidates for new appointments and re-appointments to the Commission, and report its findings to the Chair for recommendation to the City Council. All members of the Commission shall be invited to submit names of possible candidates to the committee for its consideration.

Section 4. Certificate of Appropriateness Committee.

The Certificate of Appropriateness Committee, hereafter termed “COA Committee,” shall be responsible for acting on and issuing Certificates of Appropriateness, reviewing staff-approved Minor Work applications, and interpreting the historic development standards. This committee shall also be responsible for guiding policy recommendations and performance for design review comments on projects located outside historic overlay districts, and the evaluation of potential demolition by neglect cases. It shall be composed of not fewer than five (5) members of the Commission. Provisions may be made to provide for alternate members to serve in the event a member must be absent from a scheduled meeting of the COA Committee.

ARTICLE XI — OTHER COMMITTEES

Section 1. Temporary Committees, Committee Membership, and Commission Representation.

The Commission may authorize the Chair to create special or ad hoc committees as needed, and to appoint non-Commission members to serve on any committee other than the Executive, Nominations and COA Committees. The Commission may also authorize the Chair to appoint former Commission members to represent the Commission for limited purposes provided that the scope and term of the appointment are specified in writing.

Section 2. Design Review Advisory Committee.

The Design Review Advisory Committee, hereafter termed “DRAC,” shall be appointed by the Chair, and may include staff members, commission members not serving on the COA Committee, and other persons with expertise in relevant fields of endeavor and knowledgeable about the historic development standards governing Certificates of Appropriateness. This committee shall be responsible for informally advising Certificate of Appropriateness applicants in regard to the historic development standards, as provided in Article XIII, Section 3.

ARTICLE XII — MEETINGS

Section 1. Regular Meetings.

The Commission shall hold regularly scheduled meetings at intervals not less than once per month. Regular meetings of the Commission shall be held at a location set forth on the meeting agenda on the third Tuesday of each month at 7:30 a.m. unless the regular meeting date is changed because of a holiday; provided, that meetings may be held at some other time or place if directed by the Chair at least forty-eight (48) hours in advance of the meeting.

Section 2. Special Meetings.

Special meetings may be called at the discretion of the Chair and shall be called upon written request of at least a majority of members of the Commission provided that written notice of special meetings called upon request be given to Commission members one week in advance of the meeting. Notice of the time

and place of special meetings shall be given to the Public Affairs Office of the City of Raleigh sufficient to permit that office to give notice forty-eight hours in advance of the meeting.

Section 3. Cancellation of Meetings.

Whenever there is no business for the Commission or the COA Committee, the Commission Chair or COA Committee Chair, respectively, may dispense with a regular meeting by giving notice to all the members not less than twenty-four hours prior to the time set for the meeting. In the event of severely inclement weather, or for good cause, the Chair may dispense with a regular meeting by giving electronic or other reasonable notice to all the members prior to the time set for the meeting. In the event of cancellation, notice shall also be given by the same means to the City of Raleigh Public Affairs Office.

Section 4. Quorum.

A majority of members of the Commission shall constitute a quorum at a regular or special meeting of the Commission. A majority of committee members shall constitute a quorum of the committee.

Section 5. Conduct of Meetings.

All meetings shall be open to the public. The order of business at regular meetings of the Commission shall be as follows: roll call; approval of minutes; financial report; certified local government duties; old business; new business; chair's report; committee reports; other business; adjournment.

The order of business at regular meetings of the COA Committee for the review of Applications for Certificates of Appropriateness shall be as follows: roll call; approval of minutes; approval of agenda; summary proceedings; consideration of returning applications; consideration of new applications; old business; new business; other business; adjournment.

ARTICLE XIII — CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURES

Section 1. Filing of Application.

- a. Application for a Certificate of Appropriateness shall be made as set forth in Raleigh City code Section 10-2052. Multiple requests for alternate certificates of appropriateness for the same property, whether in separate applications or combined in one application, shall not be considered as a general rule, and other than for matters relating to minor works. Staff is instructed to accept only one application for one major work project for any given property, and shall accept no others until a decision is rendered by the COA Committee on any prior application or unless the COA Committee pursuant to the following paragraph allows multiple requests.
- b. Procedure for Multiple Requests for Alternate Certificates of Appropriateness. The COA Committee may in its discretion allow the submittal of multiple requests for alternate certificates of appropriateness for the same property. In granting such permission, the COA Committee may determine to hold separate hearings on the alternate requests, or join them into a single hearing. In deciding to allow multiple requests, the COA Committee shall be determined that the convenience of hearing multiple requests for alternate certificates of appropriateness exceeds the possible confusion and prejudice to the public.

The order of business for considering a petition for the submittal of multiple requests for alternate certificates of appropriateness for the same property shall be as follows:

- 1) The applicant shall prepare in letter form a petition to submit multiple requests for alternate certificates of appropriateness, addressed to the chair of the COA Committee at the Commission's place of business. The petition shall state the reason for multiple requests, describe the public benefit to be derived therefrom, and whether the petitioner believes the hearing of such alternate certificates of appropriateness should be in separate hearings or joined in one hearing. The petition shall be forwarded to the COA Committee as part of the "Other Business" section of the agenda for its next regularly scheduled meeting.

- 2) The Chair shall entertain a motion from a member of the COA Committee to consider the submittal of multiple requests. Upon motion and second, the COA Committee shall deliberate upon the merits of the petition and decide whether to hold separate hearings, or join the requests into a single hearing, or not allow multiple requests. If no motion is made or seconded, the petition shall be considered to have been reviewed with no action taken, and staff shall not accept such additional application requests.
- 3) Following deliberation, the Chair shall entertain a motion to grant or deny the request. A motion to grant the request shall state whether to have separate or joined hearings. Upon second and approval, the petitioner shall submit a new application(s) for the alternate certificate of appropriateness, which shall be placed upon the COA Committee's meeting agenda in accordance with application deadlines effective upon the date of receipt of the application(s).

#### Section 2. Notice to Owners of Materially Affected Property.

Notification to affected property owners shall be made as set forth in Raleigh City Code Section 10-2052, and a Notice of the pendency of the matter before the COA Committee shall be posted in a conspicuous location either on the property or in the public right of way adjacent to the property.

#### Section 3. Design Review Advisory Committee.

It shall be the policy of the Commission in regard to applications for new structures or extensive alterations and/or additions to existing structures that the COA Committee or the designated staff shall refer such applications to its Design Review Advisory Committee. The Advisory Committee shall also be available to meet with representatives of the persons or organization involved in the new construction or alteration projects at some early stage in the design process, prior to the submittal of a formal application, in order to advise them informally concerning the historic development standards, the nature of the area where the proposed construction is to take place and other relevant factors. In the event of such preliminary discussions with the Design Review Advisory Committee, the COA Committee may waive the referral of an application to the Advisory Committee and proceed with its deliberations.

No advice or opinion given, or reported as having been given at such an informal meeting shall be in any way official or binding upon the Historic Development Commission or the COA Committee at any time. Notice of this review policy should be given applicants and future applicants at the earliest appropriate time.

#### Section 4. Public Hearings.

Prior to the approval, approval with conditions or denial of a Certificate of Appropriateness, the applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. The COA Committee shall also receive any staff comments and give its staff, any official, commission or department of the City of Raleigh, any state agency, any local historical, preservation or neighborhood association, or other interested person an opportunity to be heard.

#### Section 5. Time for Decision.

Applications for Certificates of Appropriateness shall be acted upon within the time limits set forth in Raleigh City Code Section 10-2052.

#### Section 6. Approved Application.

If the application is approved, the City of Raleigh Department of City Planning shall have prepared a Certificate of Appropriateness letter, for signature by the Chair of the COA Committee or a designee, clearly describing the nature of the work that has been approved and any conditions of that approval. A copy of the draft minutes shall be mailed to the applicant. A placard form of the Certificate of Appropriateness to be displayed on the project shall also be transmitted to the applicant either with the letter or following compliance with the conditions of approval. A copy of this information shall be forwarded to the Raleigh Inspections Department, which is responsible for its enforcement.

Section 7. Denied Application.

If an application is denied, the Department of City Planning shall have prepared a letter, for signature by the Chair of the COA Committee or a designee, clearly summarizing the reasons for the denial. A copy of the draft minutes shall be mailed to the applicant. A copy of this information shall be forwarded to the Raleigh Inspections Department, which is responsible for its enforcement.

Section 8. Minor Works.

Notwithstanding Sections 1 through 7 above, upon receipt of a completed application, the Planning and Development Officer or a designee may issue a Certificate of Appropriateness on behalf of the Commission for Minor Work when it is in conformance with the historic development standards cited in Raleigh City Code Section 10-2052. See "Article XV — Certificate of Appropriateness List" for items of Minor Work.

Certificates of Appropriateness for Minor Work issued by an administrative official shall be reported to the COA Committee on a monthly basis. Failure of administrative officials to approve the requested Minor Work shall in no way interfere with the applicant's right to be heard by the COA Committee.

Section 9. Natural Disaster or State of Emergency.

In the event of a natural disaster or a declared state of emergency, any single commission member or other designee of the Planning and Development Officer may approve a Certificate of Appropriateness for minor work authorizing temporary disaster-related exterior changes in order to weatherproof or stabilize damaged property (such approval shall not relieve the applicant/property owner of making permanent repairs that meet the established guidelines).

ARTICLE XIV — CERTIFICATE OF APPROPRIATENESS APPLICATION HEARINGS

Section 1. Consideration of Applications.

Any party may appear in person or by agent or attorney at the meeting. All persons addressing the COA Committee regarding an application shall be sworn or affirmed as required by North Carolina law.

The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

- a. All persons who wish to address the COA Committee regarding an application shall be sworn or affirmed;
- b. The Chair, or such person as the Chair shall direct, shall give a preliminary statement describing the application and inquire as to the existence of any conflict of interest or the appearance of same;
- c. The staff shall present comments analyzing the application with respect to the historic development standards cited in Raleigh City Code Section 10-2052;
- d. The applicant shall present evidence in support of the application;
- e. Other persons may present evidence in support of the application;
- f. Persons opposed to the application shall present evidence in opposition to the application;
- g. Statements or evidence submitted by any official, commission or department of the City of Raleigh, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the Chair;
- h. In the discretion of the Chair, any person may ask questions regarding the application; provided, however, that irrelevant, redundant or argumentative questions may be excluded, and cross-examination is not allowed.
- i. The applicant shall then be given the opportunity to rebut any evidence against the application. Only new information shall be presented in rebuttal. The applicant shall not re-state the initial evidence in support of the application;

- j. The Chair, or such person as the Chair shall direct, may summarize the evidence that has been presented, giving all parties an opportunity to make objections or corrections;
- k. The COA Committee shall thereafter proceed to discussion of the proposal with respect to its "congruity" in light of the historic development standards cited in Raleigh City Code Section 10-2052;
- l. Following discussion, the COA Committee shall develop and adopt "Findings of Fact" that provide the basis for conclusion as to whether the proposal is or is not incongruous, citing applicable sections of the historic development standards;
- m. Based upon the Findings of Fact, the COA Committee may discuss the appropriateness of imposing conditions;
- n. The COA Committee shall then vote either to approve, to approve subject to conditions, to defer for further information, or to deny the application for a Certificate of Appropriateness.

The COA Committee or its members individually may, in their discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the COA Committee shall be supported by appropriate Findings of Fact, and where necessary, shall be accompanied by such conditions and/or recommendations as the COA Committee may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called and factual evidence may be submitted, but the COA Committee shall not be limited to consideration of such evidence as would be admissible in a court of law.

#### Section 2. Votes on Certificates of Appropriateness.

Provided a quorum has been obtained, the vote of a simple majority of those present shall be sufficient to decide matters before the COA Committee. In the event of a tie vote, the motion shall be ruled to have failed. In the event of a tie vote for the approval, approval with conditions, or denial of a certificate of appropriateness, the certificate shall be ruled to have been denied. Each COA Committee member shall have one vote.

#### Section 3. Qualification to Vote on Certificates of Appropriateness.

No member of the COA Committee shall vote on any matter related to a decision on an application or a request to reconsider unless that member shall have attended, or have had access to the minutes and record of, the COA Committee's previous deliberations on such application. In the event of an absence from previous deliberations, the member shall declare for the record that the member has reviewed the minutes and record and is familiar with the previous deliberations.

#### Section 4. Impartiality Required.

No COA Committee member shall, in any manner, discuss any Certificate of Appropriateness application with any parties or their representatives prior to the COA Committee's deliberation and determination on such application; provided, however, that should a COA Committee member determine that discussion of an application with a party or representative prior to the COA Committee's deliberation and determination would be in the best interest of the Commission's Object and Mission under Article II of this document, the COA Committee member shall make such discussion known to the COA Committee immediately prior to its deliberation on the application and shall be disqualified from the deliberations.

Members of the COA Committee shall not express individual opinions on the proposed judgment of any application with any person prior to the determination of that application, except in accordance with these rules. Violations of these rules may be cause for dismissal from the Commission.

#### Section 5. Reconsideration of Applications Approved Subject to Conditions or Denied.

Any person aggrieved by a decision of the COA Committee may request reconsideration by submittal of a petition as described below. Any such petition must be filed within 20 days of the date of decision. The filing of such petition shall stay the time within which notice of appeal may be filed until 20 days following decision on the Petition.

The order of business for reconsideration of applications for Certificates of Appropriateness which previously have been approved subject to conditions or denied shall be as follows:

- a. The applicant shall prepare in letter form a petition to submit a request for reconsideration, addressed to the chair of the COA Committee at the Commission's place of business. The petition shall set forth specifically that there was a material omission from the facts presented, the absence of evidence on a relevant and material point, or the legal or factual basis for a contention of error in the COA Committee Findings or action. The petition shall be limited to that information which is necessary to enable the COA Committee to determine whether or not there has been a substantial change in the facts, evidence, or conditions relating to the decision. The petition shall be forwarded to the COA Committee as part of the "Other Business" section of the agenda for its next regularly scheduled meeting.
- b. The Chair shall entertain a motion from a member of the COA Committee that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the COA Committee to determine whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application; provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence in support of reconsideration.
- c. After receiving the evidence, the COA Committee shall proceed to deliberate whether or not there has been a substantial change or material omission in the facts, evidence, or conditions, or error in the law, relating to the application that would warrant reconsideration. If the COA Committee finds in favor of the petition, the petitioner shall be free to submit a new application for consideration at a future meeting.

#### Section 6. Modifications to Certificates of Appropriateness

An approved Certificate of Appropriateness may be modified by a written request from the applicant to the COA Committee. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the modification is minor, it may be approved according to the Minor Works procedure as outlined in Article XIII, Section 8. If the modification constitutes a substantial change that might affect surrounding property owners, the City of Raleigh Department of City Planning staff shall notify affected property owners following the procedures set out in Raleigh City Code Section 10-2052 before the COA Committee takes action on the modification. The COA Committee shall thereupon treat the request in the same manner as any other new application as outlined in Article XIII.

#### Section 7. Appeals.

In any action granting or denying a Certificate of Appropriateness, an appeal may be taken to the Board of Adjustment, or, in the case of property owned by the State of North Carolina, to the N.C. Historical Commission, as set forth in Raleigh City Code Section 10-2052.

ARTICLE XV — CERTIFICATE OF APPROPRIATENESS LIST

The following list is provided as a general outline of the level of review that may be expected for various types of projects that are often undertaken. It is not intended to be comprehensive, and cannot cover every circumstance that will be encountered in a project. The assignment of work to a review category is a guideline and staff may assign a given project a higher level of review.

A Certificate of Appropriateness is not necessary for **Routine Maintenance**, which includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds. Certificates of Appropriateness are issued for all other projects. Any repair or replacement where there is a change in the design, materials, or general appearance is defined as an alteration and needs a Certificate of Appropriateness.

**Minor Work** projects are reviewed by the staff. Staff will refer Minor Work projects to the COA Committee for review if in staff’s judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines, or are of a precedent-setting nature.

**Major Work** projects are reviewed by the Commission's COA Committee. In general, major work projects involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects, such as new construction, expansion of a building footprint, or significant changes in landscape features.

|    | <b>TYPE OF WORK</b>   | <b>STAFF REVIEW<br/>(minor work)</b> | <b>CERTIFICATE OF<br/>APPROPRIATENESS<br/>COMMITTEE<br/>(major work)</b> |
|----|---|--------------------------------------|--|
| 0  | <b>ROUTINE MAINTENANCE</b><br>(includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds) | NO REVIEW                            | NO REVIEW  |
| 1  | <b>Construction</b> of a new primary structure  |                                      | X  |
| 2  | <b>Additions</b> less than 25% to a primary structure   |                                      | X  |
| 3  | <b>Additions</b> 25% or greater to a primary structure  |                                      | X  |
| 4  | <b>Demolition</b> of any primary contributing structure   |                                      | X  |
| 5  | <b>Demolition</b> of any primary non-contributing structure   |                                      | X  |
| 6  | <b>Relocation</b> of structures   |                                      | X  |
| 7  | <b>Removal</b> of any contributing part of a structure  |                                      | X  |
| 8  | Alteration/Removal of <b>Archeologically Significant Features</b>   |                                      | X  |
| 9  | Alteration of <b>Accessory Structures</b> with no expansion of building footprint   | X                                    |  |
| 10 | New <b>Accessory Structures</b> with total area less than 144 sq. ft.   | X                                    |  |
| 11 | New <b>Accessory Structures</b> with total area 144 sq. ft. or greater  |                                      | X  |

|    | <b>TYPE OF WORK</b>   | <b>STAFF REVIEW<br/>(minor work)</b> | <b>CERTIFICATE OF<br/>APPROPRIATENESS<br/>COMMITTEE<br/>(major work)</b> |
|----|---|--------------------------------------|--|
| 12 | Additions to <b>Accessory Structures</b> with total area less than 144 sq. ft   | X                                    |  |
| 13 | Additions to <b>Accessory Structures</b> with total area 144 sq. ft. or greater   |                                      | X  |
| 14 | Demolition of <b>Accessory Structures</b> that are architecturally or historically significant  |                                      | X  |
| 15 | Demolition of <b>Accessory Structures</b> that are not architecturally or historically significant with total area less than 144 sq. ft.  | X                                    |  |
| 16 | Demolition of <b>Accessory Structures</b> that are not architecturally or historically significant with total area 144 sq. ft. or greater |                                      | X  |
| 17 | Alteration/Construction/Removal of <b>Architectural Details</b>   | X                                    |  |
| 18 | Alteration/Construction/Removal of <b>Awnings</b>   | X                                    |  |
| 19 | Alteration/Construction/Removal of existing <b>Canopies</b>   | X                                    |  |
| 20 | Alteration of <b>Carports/Porte Cocheres</b>  | X                                    |  |
| 21 | Construction/Addition to/Removal of <b>Carports/Porte Cocheres</b>  |                                      | X  |
| 22 | Alteration/Construction/Removal of service/utility <b>Chimneys</b>  | X                                    |  |
| 23 | Alteration/Construction/Removal of character-defining <b>Chimneys</b>   |                                      | X  |
| 24 | Alteration/Addition to/Construction of <b>Decks</b> with a maximum height 42" or less   | X                                    |  |
| 25 | Alteration/Addition to/Construction of <b>Decks</b> with a maximum height greater than 42"  |                                      | X  |
| 26 | Construction of new <b>Decks</b> with a maximum height 42" or less  | X                                    |  |
| 27 | Construction of new <b>Decks</b> with a maximum height greater than 42"   |                                      | X  |
| 28 | Removal of <b>Decks</b>   | X                                    |  |
| 29 | Alteration/Removal of <b>Doors</b> /door openings/trim  | X                                    |  |
| 30 | Installation of <b>Doors</b> /door openings/trim  | X                                    |  |
| 31 | Alteration/Removal of <b>Dormers</b>  |                                      | X  |
| 32 | Construction of <b>Dormers</b>  |                                      | X  |
| 33 | Construction of <b>Driveways</b>  | X                                    |  |



|    | <b>TYPE OF WORK</b>  | <b>STAFF REVIEW<br/>(minor work)</b> | <b>CERTIFICATE OF<br/>APPROPRIATENESS<br/>COMMITTEE<br/>(major work)</b> |
|----|--|--------------------------------------|--|
| 34 | Alteration/Removal of <b>Driveways</b>   | X                                    |  |
| 35 | Alteration/Construction/Removal of <b>Fences, Walls</b> 42" or less in height  | X                                    |  |
| 36 | Alteration/Construction/Removal of <b>Fences, Walls</b> greater than 42" in height   |                                      | X  |
| 37 | Alteration of exposed <b>Foundations</b>   | X                                    |  |
| 38 | Alteration/Construction/Removal of <b>Gardens, Planting Beds, or Shrubbery</b> affecting less than: 25% of front yard area (from house face); 50% of total side and rear yard area (Minor plantings of <b>Flowers</b> and <b>Shrubbery</b> in existing beds is considered Routine Maintenance and no Certificate of Appropriateness is required) | X                                    |  |
| 39 | Alteration/Construction/Removal of <b>Gardens, Planting Beds, or Shrubbery</b> affecting 25% or more of front yard area (from house face); 50% or more of total side and rear yard area  |                                      | X  |
| 40 | Alteration/Construction/Removal of <b>Gutters and Downspouts</b>   | X                                    |  |
| 41 | Construction of <b>Hedges</b> or other <b>Screen Plantings</b> 42" or less in mature height  | X                                    |  |
| 42 | Construction of <b>Hedges</b> or other <b>Screen Plantings</b> greater than 42" in mature height   |                                      | X  |
| 43 | Removal of existing <b>Hedges</b> or other <b>Screen Plantings</b> greater than 42" in height  |                                      | X  |
| 44 | Pruning of <b>Hedges</b> originally installed for the specific purpose of screening views  | X                                    |  |
| 45 | Alteration/Construction/Removal of <b>House Numbers</b>  | X                                    |  |
| 46 | Review of <b>Landscape Master Plans</b> affecting less than: 25% of front yard area (from house face); 50% of total side and rear yard area  | X                                    |  |
| 47 | Review of <b>Landscape Master Plans</b> affecting 25% or more of front yard area (from house face); 50% or more of total side and rear yard area   |                                      | X  |
| 48 | Alteration/Installation/Removal of exterior <b>Lighting Fixtures</b>   | X                                    |  |
| 49 | Alteration/Installation/Removal of <b>Mailboxes</b>  | X                                    |  |
| 50 | Installation/relocation/removal of <b>Mechanical Equipment</b> , such as heating and air conditioning units  | X                                    |  |

|    | <b>TYPE OF WORK</b>  | <b>STAFF REVIEW<br/>(minor work)</b> | <b>CERTIFICATE OF<br/>APPROPRIATENESS<br/>COMMITTEE<br/>(major work)</b> |
|----|--|--------------------------------------|--|
| 51 | <b>Painting</b> when there is a change in color  | X                                    |  |
| 52 | <b>Painting</b> of previously unpainted masonry  |                                      | X  |
| 53 | Alteration/Removal of existing <b>Parking Lots</b>   | X                                    |  |
| 54 | Construction of/Addition to <b>Parking Lots</b>  |                                      | X  |
| 55 | Alteration/Addition to/Removal of existing <b>Patios</b>   | X                                    |  |
| 56 | Construction of new <b>Patios</b>  | X                                    |  |
| 57 | Alteration of existing <b>Porches</b>  | X                                    |  |
| 58 | Construction/Addition to/Removal of <b>Porches</b>   |                                      | X  |
| 59 | Alteration/Addition to/Construction/Removal of <b>Ramps</b> or <b>Lifts</b>  | X                                    |  |
| 60 | Alteration of <b>Roof</b> coverings  | X                                    |  |
| 61 | Alteration of <b>Roof</b> form   |                                      | X  |
| 62 | Installation of <b>Satellite Dishes</b> and/or <b>Television Antennas</b>  | X                                    |  |
| 63 | Construction/Alteration/Removal of existing <b>Shutters</b>  | X                                    |  |
| 64 | Alteration/Installation/Removal of <b>Signs</b>  | X                                    |  |
| 65 | Installation of <b>Skylights</b>   | X                                    |  |
| 66 | Alteration/Construction/Removal of exterior <b>Stairs</b> and <b>Steps</b>   | X                                    |  |
| 67 | Construction of new exterior <b>Stairs</b> and <b>Steps</b>  | X                                    |  |
| 68 | Alteration/Construction/Removal of <b>Storefronts</b>  | X                                    |  |
| 69 | Alteration/Construction/Removal of <b>Storm Doors</b>  | X                                    |  |
| 70 | Alteration/Construction/Removal of <b>Storm Windows</b>  | X                                    |  |
| 71 | Alteration/Construction/Removal of exterior <b>Surfaces</b>  | X                                    |  |
| 72 | Alteration/Addition to/Construction of <b>Swimming Pools</b>   |                                      | X  |
| 73 | Removal of <b>Swimming Pools</b>   | X                                    |  |
| 74 | Planting of New <b>Trees</b> with a mature size 8 inches and greater in diameter, measured 4-1/2 feet above ground level | X                                    |  |

|    | <b>TYPE OF WORK</b>  | <b>STAFF REVIEW<br/>(minor work)</b> | <b>CERTIFICATE OF<br/>APPROPRIATENESS<br/>COMMITTEE<br/>(major work)</b> |
|----|--|--------------------------------------|--|
| 75 | Removal of <b>Trees</b> with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level   |                                      | X  |
| 76 | Removal of dead, diseased, or dangerous <b>Trees</b> with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level when a replacement tree is proposed  | X                                    |  |
| 77 | Removal of dead, diseased, or dangerous <b>Trees</b> with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level when no replacement tree is proposed |                                      | X  |
| 78 | Removal of <b>Trees</b> with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level damaging historic resources when a replacement tree is proposed   | X                                    |  |
| 79 | Removal of <b>Trees</b> with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level damaging historic resources when no replacement tree is proposed  |                                      | X  |
| 80 | Pruning of <b>Tree Limbs</b> 4" or greater in diameter   | X                                    |  |
| 81 | Installation/Alteration/Removal of <b>Vents and Ventilators</b>  | X                                    |  |
| 82 | Alteration/Construction/Removal of existing <b>Walks</b>   | X                                    |  |
| 83 | Construction of new <b>Walks</b>   | X                                    |  |
|    | <b>Walls:</b> see Fences   |                                      |  |
| 84 | Alteration/Removal of existing <b>Windows</b> , sash, opening or trim  | X                                    |  |
| 85 | Installation of new <b>Windows</b>   | X                                    |  |
| 86 | Installation of <b>Window Air Conditioners</b>   | X                                    |  |
| 87 | Alteration/Construction/Removal of other non-contributing <b>Appurtenant Features</b> and <b>Accessory Site Features</b> not specifically listed   | X                                    |  |
| 88 | Alteration/Construction/Removal of other contributing <b>Appurtenant Features</b> and <b>Accessory Site Features</b> not specifically listed   |                                      | X  |
| 89 | Most changes to previous <b>Certificates of Appropriateness</b>  | X                                    |  |
| 90 | Changes to previous <b>Certificates of Appropriateness</b> deemed by staff to be substantial in nature   |                                      | X  |

|     | <b>TYPE OF WORK</b>  | <b>STAFF REVIEW<br/>(minor work)</b> | <b>CERTIFICATE OF<br/>APPROPRIATENESS<br/>COMMITTEE<br/>(major work)</b> |
|-----|--|--------------------------------------|--|
| 91  | Renewal of expired <b>Certificates of Appropriateness</b>  | X                                    |  |
| 92  | Review of <b>Programmatic Certificate of Appropriateness</b> applications  |                                      | X  |
| 93  | Review of specific exterior changes covered under approved <b>Programmatic Certificates of Appropriateness</b>   | X                                    |  |
| 94  | Removal of any <b>Prohibited Element</b> described in the historic development standards listed in Raleigh City Code § 10-2052   | X                                    |  |
| 95  | Alteration/Construction/Removal of <b>Temporary Features</b> that are necessary to ease difficulties associated with a medical condition, not to exceed 6 months   | X                                    |  |
| 96  | Emergency installation of <b>Temporary Features</b> to protect a historic resource (that do not permanently alter the resource): six month duration; replacement with in-kind reconstruction or an approved certificate of appropriateness                                       | X                                    |  |
| 97  | Emergency installation of <b>Temporary Features</b> to weatherproof or stabilize damaged property following a natural disaster or declared state of emergency: six month duration; replacement with in-kind reconstruction or an approved certificate of appropriateness         | X                                    |  |
| 98  | Emergency restoration or maintenance of any existing <b>Above-Ground Utility Structure</b> following a natural disaster or declared state of emergency, as long as repair results in substantially the same exterior appearance and location as before the disaster or emergency | X                                    |  |
| 99  | <b>Work Items</b> not listed here for which a clear citation can be made for conformance with the historic development standards   | X                                    |  |
| 100 | <b>Work Items</b> not listed here that are deemed by staff to be substantial in nature, precedent setting, not addressed by the historic development standards, or not in conformance with the standards   |                                      | X  |

ARTICLE XVI — AMENDMENTS

These by laws and rules of procedure may be amended by a two-thirds vote of the members present and voting at any regular meeting of the Commission, provided that the total votes in favor of the amendment is a majority of the membership of the Commission, and provided that the text of the proposed amendment has been presented at the previous meeting and provided to the members at least two weeks in advance of the regular meeting at which it is to be voted upon.